

**IN THE UNITED STATES COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 16 C 2062
)	(Criminal Case No. 98 CR 54)
DARWIN MONTANA,)	
)	
Defendant.)	

MEMORANDUM ORDER

Many years after his 1998 conviction on which he is continuing to serve an originally-imposed 322-month prison sentence, Darwin Montana ("Montana") has come forward with what he captions as an "Application for Leave To File a Second or Successive Motion To Vacate, Set Aside or Correct Sentence Pursuant to 28 U.S.C. § 2255." Although Montana has correctly headed his filing "In the United States Court Appeals for the Seventh Circuit" (see 28 U.S.C. § 2244(b)(3)(A))¹, this District Court's Clerk's Office has mistakenly assigned it civil case number 16 C 2062. That mistaken designation is clearly premature, for this Court can become authorized to consider Montana's application only if a three-judge panel of our Court of Appeals so orders (see Section 2244(b)(3)(B)). Accordingly Case No. 16 C 2062 is ordered terminated, at least for the present.



Milton I. Shadur
Senior United States District Judge

Date: February 12, 2016

¹ All further references to Title 28's provisions will simply take the form "Section --," omitting the prefatory "28 U.S.C. §."